



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Testimony in Support of SB494
Maryland State Department of Education - Employee Status and Designation

Madame Chair, Madame Vice Chair, and Fellow Members of the Senate Finance Committee:

SB494 simply converts around 150 employees who work at the Maryland State Department of Education (MSDE) and who are currently misclassified as “at-will” special appointees into merit positions within the state personnel management system (SPMS) and places them within their appropriate bargaining units.

Background

Prior to 2019, the Maryland General Assembly (MGA) classified a substantial number of state employees as “at-will” at MSDE. In 2019, the MGA changed this practice through the passage of HB390 which required all hires since July 1, 2019, at MSDE to be merit hires. As a result, employees hired as special appointees prior to July 1, 2019, are now working alongside peers who do the same work, have less seniority, but have more rights. This is unjust and needs to be rectified.

These misclassified employees are clerical employees, licensing specialists, caseworkers, who would have merit rights if they worked in any other state agency, but they were hired at the MSDE at a time when all employees were hired in as special appointees. They receive state health and pension benefits, but they do not receive due process rights. State Personnel and Pensions Article 6-405 places the following criteria for special appointments;

- 1) a position to which an individual is directly appointed by the Governor by an appointment that is not provided for by the Maryland Constitution;
- 2) a position to which an individual is directly appointed by the Board of Public Works;
- 3) as determined by the Secretary, a position which performs a significant policy role or provides direct support to a member of the executive service;
- 4) a position that is assigned to the Government House;
- 5) a position that is assigned to the Governor’s Office; and

6) any other position that is specified by law to be a special appointment.

The decision to keep special appointees who do not meet the above criteria is simply a policy decision. The merit system provides more than just “for cause” terminations. It also guarantees merit employees:

- Reinstatement rights should there be a layoff.
- A fair process for promotions and training employees
- A Transparent hiring processes.
- The right to seek damages if there’s a paycheck error that goes unresolved.
- The right to a grievance procedure to resolve disputes and so on.

Solution

SB494 would require the Secretary of Budget and Management on or before January 1, 2024 to:

- Assign each employee in the State Department of Education to the executive service, management service, professional service, or skilled in the State Personnel Management System.
- Ensure these employees assigned shall suffer no reduction of pay or benefits resulting from the assignment.
- Ensure employees who are placed on a new salary schedule are at a grade and step that results in a greater annual rate and pay.

Per the Fiscal Note, SB494 would not have a direct fiscal impact on the state. The bill is about fairness and giving these misclassified employees the rights and status that they deserve.

For these reasons, I respectfully request a favorable report on SB494.